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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,030	05/24/2001	Ali Tabatabai	SONY-50P3882.01.US.P	2901

7590 10/19/2005  
WAGNER, MURABITO & HAO LLP  
Third Floor  
Tow North Market Street  
San Jose, CA 95113

EXAMINER
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SHANNON, MICHAEL R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/865,030

### Applicant(s)

TABATABAI ET AL.

### Examiner

Michael R. Shannon

### Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 10-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Basso et al (USPN 6,751,623), cited by Examiner.

Regarding claim 1, the claimed "method for dynamically updating descriptions of audio-visual content information" is met as follows:

- The claimed step (a) of "issuing a command indicating the type of update" is met by the random access and ability for another terminal to edit and update the description information of an audio-visual file [col. 1, lines 53-67 & col. 3, lines 15-21].
- The claimed step (b) of "specifying the location in said description to perform said update, wherein said description is substantially compliant with the MPEG-7 standard" is met by the fact that the scene descriptions can be dynamically updated using the VRML language in a tree-based structure. A location of the object is given to the receiving terminal, which then has the responsibility of composing the individual objects together for

presentation [col. 4, line 57 – col. 5, line 4]. Furthermore, while most of the Basso reference is disclosed utilizing MPEG-4, reference is made to the fact that MPEG-7 could be used [col. 3, line 41].

- The claimed step (c) of “updating said description”, is, again met by the fact that the scene descriptions can be dynamically updated using the VRML language in a tree-based structure [col. 4, line 57 – col. 5, line 4].

Regarding claim 2, the claimed “method of claim 1, further comprising the step of: (d) determining whether said update is authorized to be performed” is met by the decoder’s ability to determine if it can decode the instruction and therefore handle the data in the file [col. 7, lines 18-19].

Regarding claim 3, the claimed “method of claim 1, wherein said step (a) comprises the step of: (a1) issuing a command to add to said description” is met by the ability to edit descriptions by inserting into the elementary streams [col. 1, lines 55-59].

Regarding claim 4, the claimed “method of claim 1, wherein said step (a) comprises the step of: (a1) issuing a command to delete a portion of said description” is met by the ability to extract description information from the elementary stream of a file [col. 1, lines 55-59].

Regarding claim 5, the claimed “method of claim 1, wherein said step (a) comprises the step of: (a1) issuing a command to change a portion of said description” is met by the ability to modify the description information in the elementary stream of a file [col. 1, lines 55-59].

Regarding claim 6, the claimed "method of claim 1, wherein said step (c) comprises the step of: (c1) altering the structure of said description" is met by the fact that the scene description can be updating by altering the tree-based structure [col. 4, lines 57-65].

Regarding claim 7, the claimed "method of claim 1, wherein said step (c) comprises the step of: (c1) altering a parameter at a node of said description" is met by the ability to modify the description information in the elementary stream of a file [col. 1, lines 55-59].

Regarding claim 10, the claimed "method of claim 1 further comprising the step of: (d) transferring data to be added to said description" is met by the fact that the information for editing the description of the audio-visual file can come from a different terminal and allowing easy editing and manipulation [col. 3, lines 15-21].

Regarding claim 11, see the above rejection to method claim 1.

Regarding claim 12, see the above rejection to method claim 2.

Regarding claim 13, see the above rejection to method claim 2.

Regarding claims 14-18, see the above rejections to method claims 3-7.

Regarding claim 19, see the above rejection to method claim 10.

Regarding claim 20, the claimed "method of claim 11, wherein said first and said second computer systems form a peer-to-peer network" is met by the fact that the computers can utilize the Internet for transmission of audiovisual information [col. 1, lines 32-36].

Regarding claim 21, the claimed "method of claim 11, wherein said step (a) comprises the step of: (a1) receiving a request from said second computer for information, wherein a pull operation is initiated" is met by the fact that the audio-visual objects can be transmitted to a receiving terminal along with scene description information. This indicates that once the "second computer" requests the audio-visual information, that new description information is pulled from the server as well [col. 5, lines 33-35].

Regarding claim 22, the claimed "method of claim 11, wherein said step (a) comprises the step of: (a1) determining that said description stored on said second computer should be updated, wherein a push operation is initiated" is met by the fact that the "second computer" can remotely access the stored description information in the stored file, and update accordingly via the distributed network [col. 5, lines 25-29].

Regarding claim 23, see the above rejection to method claim 1.

Regarding claim 24, see the above rejections to method claims 3-5.

Regarding claim 25, the claimed "computer-readable medium of claim 23, wherein said location further specifies between a relative address in said description and an absolute address in said description" is met by the fact that the location in the scene description information defines a spatio-temporal location within the tree-based structure [col. 4, lines 57-65].

Regarding claim 26, see the above rejection to method claim 10.

Regarding claim 27, see the above rejection to method claim 2.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 9, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basso et al (USPN 6,751,623), in view of ISO/IEC MPEG 00/N3575, cited by Examiner.

Regarding claim 8, the claimed "method of claim 1, wherein said step (a) comprises the step of: (a1) issuing a derive by restriction command" is not specifically met by the Basso reference. While the Basso reference does teach dynamically updating scene descriptions in a MPEG-7 formatted file [col. 3, line 41 & col. 4, line 63], it does not disclose that the updating is done by issuing a derive by restriction command. The ISO/IEC reference teaches that the "derive by restriction" command can be used to create new complex types by using the base type definition of the MPEG-7 scene description information [page 5, section 5.2.2.4]. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the "derive by restriction" command, in order to maintain working order in the MPEG-7 protocol for updating description information. While the Basso reference does teach updating description information in MPEG-4 files, since it does recommend using MPEG-7, it would only be logical to use the "derive by restriction" command present in the MPEG-7 specification for updating the information.

Regarding claim 9, the claimed "method of claim 1, wherein said step (a) comprises the step of: (a1) issuing a derive by extension command" is not specifically met by the Basso reference. While the Basso reference does teach dynamically updating scene descriptions in a MPEG-7 formatted file [col. 3, line 41 & col. 4, line 63], it does not disclose that the updating is done by issuing a derive by extension command. The ISO/IEC reference teaches that the "derive by extension" command can be used to create new complex types by using the base type definition of the MPEG-7 scene description information [page 5, section 5.2.2.4]. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the "derive by extension" command, in order to maintain working order in the MPEG-7 protocol for updating description information. While the Basso reference does teach updating description information in MPEG-4 files, since it does recommend using MPEG-7, it would only be logical to use the "derive by extension" command present in the MPEG-7 specification for updating the information.

Regarding claim 28, the claimed "computer-readable medium of claim 23, wherein said instructions are substantially compliant with the Extensible Markup Language (XML)" is not met expressly by the Basso reference. While the Basso reference does teach dynamically updating scene descriptions in a MPEG-7 formatted file [col. 3, line 41 & col. 4, line 63], it does not disclose that the instructions for doing so are substantially compliant with the XML language. The ISO/IEC reference teaches that the XML Schema Language was adopted as the MPEG-7 Description Definition Language (DDL) [page VI, section 0.1]. Again, it would have been obvious to one of



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ordinary skill in the art at the time of the invention to use the XML language, in order to maintain working order in the MPEG-7 protocol for updating description information.

While the Basso reference does teach updating description information in MPEG-4 files, since it does recommend using MPEG-7, it would only be logical to use the XML

Language present in the MPEG-7 specification for updating the information.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 1, 11, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The term "substantially compliant" in claims 1, 11, and 28 for describing the MPEG-7 standard and the XML Language is a relative term, which renders the claim indefinite. The term "substantially compliant" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Hunter (MPEG-7 XML Schema Problem Issues) discloses a list developed through an evaluation of the XML Schema Language's ability to satisfy MPEG-7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon  
Examiner  
Art Unit 2614

Michael R Shannon  
October 13, 2005

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**